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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/057,034	01/24/2002	Anthony Militello	10541-1182	3461

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EXAMINER

NGUYEN, TRAN N

ART UNIT

PAPER NUMBER

2834

DATE MAILED: 08/14/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/057,034	MILITELLO ET AL.
	<b>Examiner</b> Tran N. Nguyen	<b>Art Unit</b> 2834

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 19 May 2003.

2a) This action is FINAL.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-24 is/are pending in the application.

4a) Of the above claim(s) 18-24 is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-17 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) 1-24 are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) All b) Some \* c) None of:  
1. Certified copies of the priority documents have been received.  
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____	6) <input type="checkbox"/> Other: _____

## DETAILED OFFICE ACTION

### *Restriction Election*

Applicant's election of claims 1-17 on 5/19/03 is acknowledged. Since Applicant did not provide any traversal arguments to the restriction requirement, the response is considered as election without traverse; therefore, the election/restriction is made FINAL.

### *Claim Rejections - 35 USC § 112*

1. Claims 1-17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

**Among claims 1-17,** the term "adapted to" is not a positive limitation but only requires the ability to so perform. It does not constitute a limitation in any patentable sense. *In re Hutchison*, 69 USPQ 138.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. **Claims 1-8 and 12-14** are rejected under 35 U.S.C. 102(b) as being fully anticipated by **Ragaly (US 6144138)**.

Ragaly disclose a rotor assembly (figs 1-3C) for an alternator comprising:  
an electrical wire (9) defining an excitation winding;  
a first pole piece (30.1) having a generally circular body (15) defining an axis of rotation and an outer radial periphery;  
a plurality of pole fingers (17) spaced radially about and extending axially from said outer radial periphery parallel to said axis of rotation;  
a plurality of permanent magnets (27) positioned on said outer radial periphery;

a plurality of covers (35), each of said covers substantially encase one of said permanent magnets and to be mounted to said outer radial periphery of said first pole piece to secure said permanent magnet to said first pole piece;

a second pole piece (30.2) having a generally circular body (15) defining a center, and axis of rotation and an outer radial periphery, said axis of rotation of said second pole piece being coaxial with said axis of rotation of said first pole piece;

a plurality of pole fingers (17) spaced radially about said outer radial periphery of said second pole piece and extending axially from said outer radial periphery parallel to said axis of rotation;

a plurality of permanent magnets (27) positioned on said outer radial periphery of said second pole piece;

a plurality of covers (35), each of said covers substantially encase one of said permanent magnets and to be mounted to said outer radial periphery of said first pole piece to secure said permanent magnet to said first pole piece;

wherein said first and second pole pieces each include a plurality of mounting surfaces (21) spaced radially about said outer radial periphery between said pole fingers, wherein one of said plurality of permanent magnets is positioned on each of said mounting surfaces;

wherein (*as shown in fig 2C*) each of said covers (35) includes tabs (37) extending therefrom and said mounting surfaces are engage said tabs to secure said covers, with said permanent magnets substantially encased therein, to said first and second pole pieces; and,

said mounting surfaces include ribs, which are formed by undercut (25) of the mounting surface, staked over to the tabs (37) to secure said covers, with said permanent magnets substantially encased therein, to said first and second pole pieces; and,

wherein (*as shown in figs 3a-3c*) each of said pole fingers of said first pole piece includes a distal end and extends between said pole fingers of said second pole piece, said distal ends being positioned over said mounting surfaces of said second pole piece and adapted to engage said covers to further secure said permanent magnets onto said mounting surfaces; and,

each of said pole fingers of said second pole piece includes a distal end and extends between said pole fingers of said first pole piece, said distal ends being positioned over said

mounting surfaces of said first pole piece and adapted to engage said covers to further secure said permanent magnets onto said mounting surfaces.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 9-11, and 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ragaly in view of level of ordinary skills of a worker in the art.

Ragaly discloses the claimed invention, except for the added limitations of the following:

(a) said permanent magnets are secured within said covers by either an adhesive agent or by sizing the permanent magnets such that when said permanent magnets are inserted within said covers, there is an interference fit between said cover and said permanent magnet such that said permanent magnet is frictionally held within said cover; and,

(b) the covers are made of non-magnetic material.

Regarding subsection (a) with the limitations of securing the magnets and the covers by either adhesive or interference fit, those skills in the art would understand that adhesive and interference-fit fastenings are respectively well known in the art because both method of securing the magnets to the covers do not require additional part counts, as a result the rotor assembly is less costly and simplified.

Thus, it would have been obvious to one skilled in the art at the time the invention was made to modify the rotor assembly by securing the magnets within the covers by employing either adhesive agent or sizing the magnet and the cover for an interference-fit. Doing so would eliminate additional fastening means resulting in avoiding additional

part counts to reduce cost of the rotor. Furthermore, either fastening ways, i.e., adhesive and interference-fit are well known in the art.

Regarding subsection (b), it would have been obvious to one having ordinary skill in the art at the time the invention was made to select \*, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. *In re Leshin, 125 USPQ 416.*

**Suggestion:**

If the **independent claims 1 and 12** were amended to recite the following limitations:

*A plurality of covers, wherein each of the covers is configured as a box shape with a cavity to encase one of the permanent magnets therein, and said box-shaped cover has at least two tabs extending from two sides thereof in a circumferential direction*

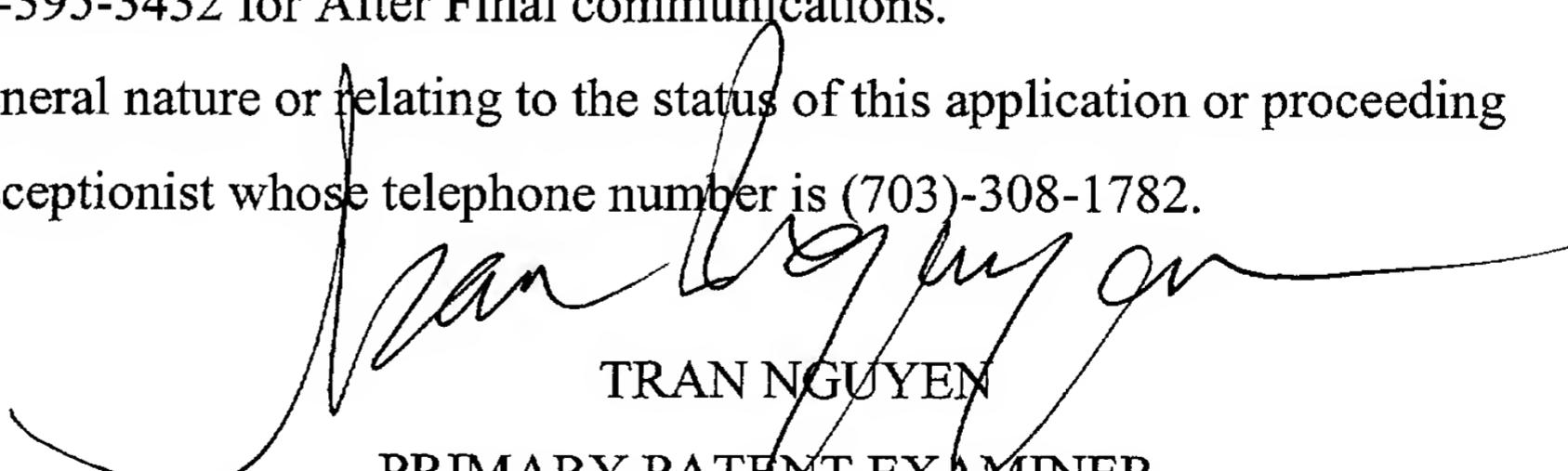
The applicant would be in more favorable consideration for allowance.

***Communication***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tran N Nguyen whose telephone number is (703) 308-1639. The examiner can normally be reached on M-F 6:00AM-2:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nestor Ramirez can be reached on (703)-308-1371. The fax phone numbers for the organization where this application or proceeding is assigned are (703)305-3431 for regular communications and (703)-395-3432 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)-308-1782.



TRAN NGUYEN

PRIMARY PATENT EXAMINER

TC-2800